

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NELSON CRAIG CONOVER,)	
)	No. CV-05-1952-HU
Plaintiff,)	
)	
v.)	
)	FINDINGS AND RECOMMENDATION
INTEL, et al.,)	
)	
Defendants.)	
_____)	

Nelson Craig Conover
General Delivery
Beaverton, Oregon 97005
Pro se

HUBEL, Magistrate Judge:

Plaintiff Nelson Craig Conover brings this action against Intel, Comfort Inn, Burger King, Tektronix, Nike, Hewlett Packard, Fred Meyer, the "Later Day Saints, Beaverton Oregon Stake," and the Catholic Archdiocese of Portland, Oregon. He moves to proceed *in*

forma pauperis (doc. # 1).

Background

This is the seventh action brought by Mr. Conover in this court since January 2004. The other cases include Conover v. Conover et al., Civ. No. 04-54-JE (alleging conspiracy to commit murder and conspiracy to induce suicide); Conover v. United States of America et al., Civ. No. 04-411-HA; Conover v. State of Oregon, Civ. No. 04-983-JO (alleging deprivation of civil rights under a theory of kidnaping or, alternatively, obstruction of justice in connection with child custody proceedings currently in Oregon state court); Conover v. Haggerty et al., Civ. No. 04-1087-KI (alleging obstruction of justice by Judges Haggerty and Jones of this court with respect to earlier cases); Conover v. The Archdiocese of Portland Oregon, et al., Civ. No. 04-1116-JE (challenging the execution of Excommunication by the Archdiocese of Portland, Oregon and the Latter Day Saints, on the ground that each "American citizen has the right to work-out his/her salvation ... free from manipulation by Special Interest groups and ecclesiastic self interest"); and Conover v. Bush, Civ. No. 05-1878-KI (claim against President for approving bondage or excommunication of plaintiff's person to further the President's agenda of forcing the public to join sects and organizations that can be easily manipulated). Each of these cases has been dismissed with prejudice, *sua sponte*, as frivolous.

Standards

Pursuant to the federal *in forma pauperis* statute, codified at 28 U.S.C. § 1915(d), the court is authorized to dismiss an *in forma pauperis* complaint before service of process "if satisfied that the action is frivolous or malicious." Denton v. Hernandez, 504 U.S. 25, 31 (1992).

The *in forma pauperis* statute differs from Rule 12(b)(6) because the statute "accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless." Neitzke v. Williams, 490 U.S. 319, 327 (1989).

A complaint is frivolous "where it lacks an arguable basis in law or in fact." Neitzke, 490 U.S. at 325; see also McKeever v. Block, 932 F.2d 795, 798 (9th Cir. 1991), or when the facts alleged are irrational or incredible. Denton v. Hernandez, 504 U.S. 25, 33 (1992).

Discussion

The complaint in this case alleges that the defendants are responsible/knowledgeable for the mobilization of individules [sic] that staulk/staulked [sic] (not limited) my person thus causing me pain, suffering, fear and guilt during my stay (not limited) at the Comfort Inn (receipt attached). It is my belief that this staulking has occurred because the defendants may have found out about my filings with the United States Supreme Court and

other federal courts and have conspired/been directed to enter into my day and night as to disrupt via group effort. This may be occurring in hope that harm to me: (self induced or other, physical and/or mental) would/will be the outcome thus placing in question my Washington and other filings. In addition, these entities may be utilizing technology stolen [sic] from the Department of Defense (top secret in nature as expressed in my Washington filings and other) for selfish personal gain. I demand the following compensation (not limited) from the following defendants (not limited):

The complaint demands \$40 billion from each defendant, as well as \$1 million

per person that participated/conspired in the recognition/communication/mobilization and/or actual staulking of my person identified via cell phone/internet records and/or other (to be acquired via investigative authorities and the courts seopena [sic].

The complaint also demands

restraining orders to accompany all servings of all papers by United States federal marshals as to make legal and complete at this time. I also request the F.B.I., the United States Department of State, United States Department of Defense and any other investigative branch of the United States of America required to investigate and bring all evidence to the court for the court's decision at this time. All demands are expressed in United States currency. I also reserve the right to add to this case defendants and demands: and reserve the right to include any and all evidence obtained in this case to be utilized as evidence in other cases filed in districts, circuits and the United States Supreme Court.

The complaint concludes:

I also would like to mention the following tow truck and company that may be of importance in this case. Speeds Towing Inc. (White tow truck) @ the corner of Hocken and Henery Streets in Beaverton, Oregon @ 12:05 p.m. 24 December 2005.

While the motion to proceed *in forma pauperis* has been pending, plaintiff has filed five motions to add defendants and demands (doc. ## 5, 6, 7, 8, 9). Attached to some of the motions are publications entitled "Northwest Women's Directory," "Portland's Gay & Lesbian Community Yellow Pages," "Paginas Amarillas," ("Spanish Yellow Pages,") and the Therapists' Directory of the American Mental Health Alliance-Psychotherapists' Guild. The motions seek to add the organizations, businesses, churches, non-profit organizations, and individuals named in these publications who are "directing/architecting/initiating the conspiracy to stalk." Another motion seeks to add each officer, member or individual connected with the North Plains, Oregon Chamber of Commerce who has participated in the conspiracy to stalk.

The facts alleged are irrational and incredible, and I am unable to discern from the allegations any basis for subject matter jurisdiction in this court, or any claim having an arguable basis in law or fact. I conclude that the action is frivolous. I recommend that the motion to proceed *in forma pauperis* be granted, but that the action be dismissed with prejudice and that all other pending motions be denied as moot.

Scheduling Order

The above Findings and Recommendation will be referred to a United States District Judge for review. Objections, if any, are due February 10, 2005. If no objections are filed, review of the

Findings and Recommendation will go under advisement on that date.

Dated this 26th day of January, 2006.

/s/ Dennis James Hubel

Dennis J. Hubel

United States Magistrate Judge